

² The Board notes that appellant submitted additional evidence after OWCP rendered its November 9, 2015 decision. The Board's jurisdiction is limited to reviewing the evidence that was before OWCP at the time of its final decision. Therefore, this additional evidence cannot be considered by the Board. 20 C.F.R. § 501.2(c)(1); *Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35, 36 n.2 (1952). Appellant may submit this evidence to OWCP, together with a formal request for reconsideration, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b)(2).

ISSUE

The issue is whether appellant met her burden of proof to establish an injury on September 16, 2015 causally related to the accepted employment incident.

FACTUAL HISTORY

On September 16, 2015 appellant, then a 52-year-old city carrier assistant, filed a traumatic injury claim (Form CA-1) alleging that, on that date, she sustained injuries when the wooden steps she was climbing shifted and collapsed while she was walking to a mailbox. She claimed that her left ankle and foot rolled under and she fell on top of lower leg/foot/ankle. Appellant stopped work on September 16, 2015.

By letter dated October 2, 2015, OWCP informed appellant that the evidence in the record was insufficient to support her claim and that she must submit further evidence, including medical evidence, in support of her claim and afforded her 30 days to submit such evidence.

Appellant responded to this letter and submitted a September 16, 2015 form report with an illegible signature from the Cleveland Clinic at Work listed diagnoses of left ankle sprain and thumb sprain and placed appellant on light duty. In October 1 and 21, 2015 form reports from the Cleveland Clinic at Work, with illegible signatures, indicated that appellant had a left ankle sprain. A duty status report of October 1, 2015 also contained an illegible signature and listed appellant's work restrictions. The October 21, 2015 report indicated that appellant could return to full duty on the next regular shift.

By decision dated November 9, 2015, OWCP denied appellant's claim. It determined that, although she established that the employment incident occurred as alleged, the evidence did not establish a causal relationship between the accepted employment incident and a medical diagnosis.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation period of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

In order to determine whether an employee actually sustained an injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components, which must be considered in conjunction with one another. The first component to be established is that the employee

³ *Jussara L. Arcanjo*, 55 ECAB 281, 283 (2004).

actually experienced the employment incident or exposure, which is alleged to have occurred.⁴ In order to meet his or her burden of proof to establish the fact that he or she sustained an injury in the performance of duty, an employee must submit sufficient evidence to establish that he or she actually experienced the employment injury or exposure at the time, place, and in the manner alleged.⁵

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.⁶ The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

ANALYSIS

OWCP determined that appellant had established that the employment incident occurred as alleged. However, it denied her claim as she failed to submit rationalized medical evidence describing how the accepted incident caused a diagnosed condition.

The Board finds that appellant failed to submit medical evidence establishing a causal relationship between the accepted incident of September 16, 2015 and a medical diagnosis. Neither the fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by the employment factors or incident is sufficient to establish causal relationship.⁸

The Board notes that the record contains no medical report with a legible signature. The Board has held that medical reports may not be considered as probative medical evidence if there is no indication that the person completing the report qualifies as a physician as defined in 5 U.S.C. § 8102(2).⁹ Reports lacking medical identification do not constitute probative medical evidence.¹⁰

⁴ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803(2)(a) (August 2012).

⁵ *Linda S. Jackson*, 49 ECAB 486 (1998).

⁶ *John J. Carlone*, 41 ECAB 354 (1989); *Horace Langhorne*, 29 ECAB 820 (1978).

⁷ *Judith A. Peot*, 46 ECAB 1036 (1995); *Ruby I. Fish*, 46 ECAB 276 (1994).

⁸ See *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

⁹ *B.A.*, Docket No. 15-1384 (issued September 15, 2015).

¹⁰ *V.R.*, Docket No. 14-1695 (issued January 9, 2015).

An award of compensation may not be based on surmise, conjecture, or speculation.¹¹ To support a claim for compensation, the evidence should offer a medically sound explanation of how the claimed work event caused or aggravated the claimed condition.¹²

Appellant, therefore, did not meet her burden of proof to establish an injury causally related to the accepted work incident which occurred on September 16, 2015.

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury on September 16, 2015, causally related to the accepted employment incident.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 9, 2015 is affirmed.

Issued: July 19, 2016
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

¹¹ *D.I.*, 59 ECAB 158 (2007); *Ruth R. Price*, 16 ECAB 688, 691 (1965).

¹² *K.H.*, Docket No. 15-1809 (issued January 7, 2016).